

CASE SU-7190-A
Appl No. 10/688,124

R E M A R K S

The Examiner is thanked for the courteous and helpful telephone discussion conducted on October 26, 2006. The conclusion reached in that discussion will be referred to below at the appropriate location.

A requirement for restriction has been made among the following inventions:

- I. Claims 1-17, drawn to methods, classified in class 514, subclass 389;
- II. Claims 18-35, drawn to compositions, classified in class 424, subclass 661; and
- III. Claims 36-45, drawn to testing, classified in class 424, subclass 9.2.

Applicants respectfully traverse this requirement. As the Examiner appreciates, requirements for restriction are optional, not mandatory. Consequently, if on reconsideration the Examiner finds that examining all of these claims would not constitute an undue burden, examination on the merits of the claims in the case would be appreciated.

Accordingly, Applicants respectfully request reconsideration of the requirement for restriction.

The Examiner is also thanked for the explanation of the rejoinder procedure. In view of this procedure, applicants provisionally elect with traverse the subject matter of Group II, composed of Claims 18-35.

During the telephone discussion referred to above, the Examiner confirmed that the requirement for election of species applied to the sizes of the particles as given, for example, in method Claims 9, 10 and 11, *i.e.*, particle sizes of at least about 175 microns, at least about 200 microns, and at least about 300 microns, respectively. During this discussion it was noted that, at present, composition Claims 18-45 do not recite any such size characteristics, and in fact in the second paragraph on page 4 of the action, Claims 18-45 are indicated to be generic. Therefore, during the discussion, the Examiner waived the requirement for election of species

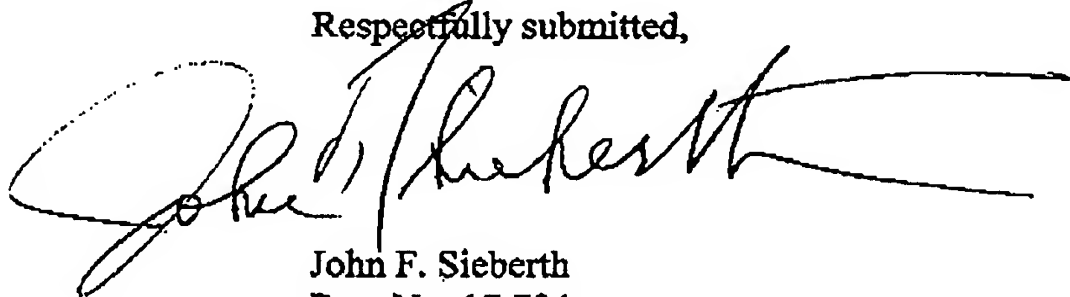
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in as much as Applicants are provisionally electing with traverse, Claims 18-45 for prosecution in this application. It was further noted that if, subsequently, particle size characteristics become an issue in either the composition or method claims, an election of species might be required at that time.

Favorable Action is solicited. If matters remain requiring further consideration that may be expedited by discussion, the Examiner is requested to telephone the undersigned at the number given below so that such matters may be discussed and, if possible, promptly resolved.

Please continue to address correspondence in this application to Mr. Spielman at the address of record.

Respectfully submitted,



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